

COVID-19 Information

Revisions from 12/7/2021 in Green

Revisions from 2/21/2022 in Purple

BOARD OPERATIONS

The Board office hours are 8:30am-5:00pm Monday through Friday. Effective immediately, the Board office *is open to the public by appointment only*. Drops-offs can be made at the agency during office hours. The Board asks that consumers, licensees, and registrants use email as the primary method of communication with staff. Contact information can be found [here](#). The Board will continue to receive and respond to mail, email, and fax communications. Voicemail messages will be retrieved by office staff daily and calls returned within five business days.

GUIDANCE FROM STATE AND FEDERAL PARTNERS

The Kansas Department of Health and Environment has a COVID-19 Resource Center on their website which allows consumers to subscribe to updates and provides links to frequently asked questions and CDC coronavirus information.

KDHE <http://www.kdheks.gov/coronavirus>

1-866-534-3463 (1-866-KDHEINF)

Monday-Friday 8am-7pm, Saturday 10am-2pm, and Sunday from 1pm-5pm

CDC <https://www.cdc.gov/coronavirus/2019-ncov/hcp/index.html>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/pharmacies.html> (pharmacy specific)

DEA <https://www.deadiversion.usdoj.gov/coronavirus.html>

FDA <https://www.fda.gov/emergency-preparedness-and-response/counterterrorism-and-emerging-threats/coronavirus-disease-2019-covid-19>

Critical Point <https://peernetwork.criticalpoint.info/> *Register for free peer network level.*

NABP <https://nabp.pharmacy/coronavirus-updates/>

KPhA <https://www.pharmacist.com/coronavirus>

APhA <https://www.ashp.org/COVID-19>

Joint Commission [Link to COVID-19 Guidance](#)

OSHA <https://www.osha.gov/Publications/OSHA4023.pdf> (retail pharmacies)

BEST PRACTICE RECOMMENDATIONS

To minimize contact and spread of COVID-19, the Board recommends pharmacies encourage customers to utilize drive-through or delivery where they are available. The Board also recommends requesting customers space themselves out when waiting in line and that the

pharmacy consider the use of some sort of counter extension or plastic barrier to establish a larger gap between the customer and the cashier, where possible.

Pharmacists should use their professional judgment to ensure policies and procedures are in place to protect Kansas patients. The Board has received consumer complaints related to pharmacy personnel observing appropriate health and safety protocols and prevention measures. Pharmacies are required to comply with all state and local orders. As a reminder, the Board may discipline any pharmacist, intern, or technician upon a finding of unprofessional conduct, which includes conduct likely to harm the public. The CDC has also issued recommendations for face coverings and mitigation measures.

REMOTE WORK

The Board has made the decision to temporarily allow remote work by pharmacy employees. This allowance only applies to pharmacies physically located in Kansas and persons licensed or registered with the Board. This allowance will remain in effect and be reviewed by the Board at their meeting on [April 6, 2022](#). Upon review, the Board will provide at least 30 days notice for any plan to discontinue remote work. The Board suggests the pharmacy maintain documentation regarding the employee's high-risk status. The Board expects nonresident pharmacies to allow remote work only in accordance with guidance issued by the governing body in the resident state. The Board guidelines for remote work are as follows:

Pharmacies:

- Remote workers must have secure, electronic access to the pharmacy prescription processing software.
- ***Special Reminder from the Board:*** Any technology used by pharmacy personnel must meet HIPAA compliance standards. The Board also expects HIPAA safeguards to be in place at the location of remote work so that non-employee persons present at the location are not able to see or have access to patient information.
- The Board will not offer guidance as to whether a pharmacy's established processes meet federally-required security and privacy standards.
- The pharmacy must maintain a document (for 5 years) at the pharmacy that includes:
 - A list of all employees working remotely which shall include:
 - Name and license/registration/permit number of the employee
 - Address where the employee will be located when performing the remote activities
 - Phone number where the employee can be reached when performing the remote activities
 - The date range that the pharmacy conducted remote work activities
- All remote activities must be able to meet Kansas requirements for recordkeeping and documentation including, but not limited to, tracking the specific personnel who performed various steps in the dispensing process.
- All physical dispensing activities (tablet counting, packaging, labeling, compounding, etc.) and final product review must occur on-site at the pharmacy.
- Nothing in this guidance is intended to allow a pharmacy to be open without a pharmacist physically present at the pharmacy. See K.S.A. 65-1637c.

Pharmacists:

- The pharmacist must be licensed in Kansas.
- Any supervision of technicians, including those working remotely, must be conducted by a pharmacist physically located at the pharmacy. A pharmacist working remotely may not supervise a technician.

- The 4:1 technician to pharmacist ratio is still in effect and includes any technician working remotely. See updated K.A.R. 68-5-16, effective February 7, 2020.

Technicians:

- Only grandfathered technicians and technicians that have passed an approved national certification exam may work remotely. This includes technicians with 14- prefixes to their registration number. Technicians with 24- prefixes to their registration number are not allowed to work remotely.
- Technicians may only work remotely during the pharmacy's regular business hours.
- Technicians may perform the following tasks when working remotely:
 - Data Entry
 - Order Entry (hospital pharmacies)
 - Refill queue processing
 - Sending refill requests to prescribers by automated methods
 - Insurance Processing or Billing
 - Contacting patients for clarification of personal data and insurance processing information (i.e., date of birth, insurance information, etc.)
 - *Please note: Patients may be unwilling to provide personal information to a person calling from a phone number unrelated to the pharmacy. Please do not be forceful with patients in these situations and have the technician contact the pharmacy to call the patient directly.*
- While working remotely, technicians may not:
 - Directly contact prescribers or prescriber offices for clarifications or refills
 - Directly contact patients for issues related to medication therapy.
 - *Please note: This list is not exhaustive and the supervising pharmacist should rely on the aforementioned list of approved activities to direct technicians.*
- Any technician working remotely must maintain direct communication capabilities with the supervising pharmacist (located at the pharmacy) at all times. A video component is not required.
- Electronic supervision services are separate from remote supervision allowance provides by the Board. Electronic supervision is already allowed for hospital pharmacies for the supervision of one technician per pharmacy. The pharmacist may still supervise up to the 4:1 technician ratio. See K.A.R. 68-22-1 through K.A.R. 68-22-5.

For interns:

- Except as provided below, interns may work remotely to perform technician functions and are expected to follow the guidelines for technicians. Any hours spent working remotely to perform technician duties shall not count towards the intern hours required by the Board.
- Interns may complete non-patient intern hours remotely through journal clubs, drug updates, presentations, etc. at the direction and discretion of the school and preceptor.
- Interns completing APPE rotations and paid interns with at least a P4 status may work remotely to fulfil non-dispensing functions at the discretion and direction of their preceptor.
- Pharmacists should exercise appropriate discretion but are not limited by a specific ratio in supervising interns providing immunizations at vaccine clinics.

IMMUNIZATIONS

The U.S. Department of Health and Human Services has expanded the PREP Act to include authority for pharmacists, pharmacy interns, and pharmacy technicians to provide immunizations. Such authority supersedes the authority of the State of Kansas related to immunizations (KSA 65-1635a).

According to HHS, amendments independently authorize State-licensed pharmacists to order and administer FDA-approved immunizations to children ages 3-18 years, and order and administer COVID-19 immunizations pursuant to FDA authorization. In addition, HHS has granted authority for interns and technicians to administer these immunizations under the direct supervision of the pharmacist who has ordered the immunization. HHS has now expanded this authority in an eighth amendment to allow interns and technicians to administer seasonal influenza vaccines to persons 19 years of age and older under the direct supervision of the pharmacist who has ordered the immunization. All pharmacy personnel are required to be properly licensed/registered in Kansas to perform these functions. The authority is subject to the following requirements:

- Participating pharmacists, interns, and technicians must:
 - Complete an ACPE immunization certification course;
 - Have a current CPR certificate. No expiration date waiver is allowed.
 - Complete a 2-hour, ACPE-approved continuing education course in immunizations within the current state license period. Note: This is not required by Kansas law, but is required to be eligible under the PREP Act and will count toward Kansas CE requirements.
- Comply with Kansas immunization recordkeeping and reporting requirements, including informing the patient's primary-care provider, submitting to Kansas WebIZ, reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine. See K.S.A. 65-1635a.
- Inform any pediatric patient and the patient's adult caregivers of the importance of a well-child visit with a pediatrician or other licensed primary care provider and refer patients as appropriate.
- The ordering and supervising pharmacist must be readily and immediately available to the pharmacy technician administering the immunization.

The federal guidance **does not** require a physician protocol and independently authorizes pharmacists to order immunizations. Pharmacists may continue using a physician protocol but cannot update the protocol to cover any immunization not authorized by KSA 65-1635a. The Board statewide immunization protocol has been updated to include FDA-approved COVID-19 vaccines and is available at <https://pharmacy.ks.gov/resources-consumer-info-2/collaborative-practice>.

Review the HHS guidance for additional requirements. Links to HHS guidance:

- <https://www.hhs.gov/about/news/2020/08/19/hhs-expands-access-childhood-vaccines-during-covid-19-pandemic.html>
- <https://www.hhs.gov/about/news/2020/09/09/trump-administration-takes-action-to-expand-access-to-covid-19-vaccines.html>
- <https://www.hhs.gov/about/news/2020/10/21/trump-administration-takes-action-further-expand-access-vaccines-covid-19-tests.html>
- <https://www.federalregister.gov/documents/2021/08/04/2021-16681/eighth-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for>

The Kansas Department of Health and Environment has published the State COVID-19 Vaccination Plan, which can be access here: <https://www.coronavirus.kdheks.gov/284/COVID-19-Vaccine>. Information includes COVID-19 vaccination provider recruitment and enrollment; ordering, distribution, and inventory; and storage and handling; and documentation and reporting. Make sure to check for any updates!

Due to increasing demand, the Board of Pharmacy has re-approved a temporary, limited pharmacy technician registration for nurses that meet the following criteria:

- Applicant must be registered and in good standing with the Kansas Board of Nursing in a role authorized by Kansas law to administer immunizations (i.e., RN, LPN, APRN).

- Applicant must complete and submit pages 3-5 of the LA-14 application to the Board. No fee or fingerprints are required.
- Applicant must provide a copy of their driver's license or valid government-issued photo ID.
- Applicant must provide a cover letter with the application indicating their request for a limited pharmacy technician registration for COVID-19 immunizations and provide their Kansas Board of Nursing registration number.

Applicants that meet the above qualifications will be issued a temporary pharmacy technician registration with a prefix code 34- and a suffix that matches their Kansas Board of Nursing registration number. **These limited pharmacy technicians will be authorized to provide immunizations in pharmacies under the direct supervision of a pharmacist in accordance with the Federal PREP Act. No other pharmacy technician functions will be authorized.** The registration will be valid through April 30, 2022 but will be reevaluated for continuation by the Board at their April 6, 2022 meeting. Limited pharmacy technicians must complete all immunization education and training required by the Federal PREP Act prior to providing immunizations in the pharmacy. Pharmacist supervision of limited pharmacy technicians will be exempt from the pharmacy technician ratio in Kansas.

COVID-19 THERAPEUTICS

The U.S. Department of Health and Human Services has expanded the PREP Act to include authority for pharmacists to order and administer COVID-19 therapeutics, and authority for pharmacy interns and technicians to administer COVID-19 therapeutics under the direct supervision of the ordering pharmacist. Such authority supersedes the authority of the Pharmacy Act of the State of Kansas or any other Kansas law.

According to HHS, amendments independently authorize State-licensed pharmacists to order and administer COVID-19 therapeutics authorized, approved, or licensed by the FDA. In addition, HHS has granted authority for interns and technicians to administer these therapeutics under the direct supervision of the ordering pharmacist. COVID-19 therapeutics must be ordered for subcutaneous, intramuscular, or oral administration in accordance with the FDA approval, authorization, clearance, or licensing. All pharmacy personnel are required to be properly licensed/registered in Kansas to perform these functions. The authority is subject to the following requirements:

- Participating pharmacists, interns, and technicians must:
 - Complete a practical training program approved by the ACPE which must include:
 - hands-on injection technique;
 - clinical evaluation of indications and contraindications of COVID-19 therapeutics;
 - the recognition and treatment of emergency reactions to COVID-19 therapeutics; and
 - any additional training required in the FDA approval, authorization, clearance, or licensing.
 - Have a current CPR certificate.
 - Comply with Kansas recordkeeping and reporting requirements, including informing the patient's primary-care provider and reporting adverse events.
 - Comply with applicable requirements or conditions of use that apply to the administration of COVID-19 therapeutics.
- The ordering and supervising pharmacist must be readily and immediately available to the pharmacy technician administering the immunization.

Review the HHS guidance for additional requirements:

- <https://public-inspection.federalregister.gov/2021-19790.pdf>
- <https://files.constantcontact.com/99d8fc57be/b5c216c5-6a46-4d36-afef-2d5aba0123d7.pdf>

The Board is not aware of any current training courses that would meet the ACPE requirement. However, certain pharmacy associations or organizations may provide training courses and the Board will make this information available.

The Board is aware that KDHE has distributed Molnupiravir to many hospital pharmacies. The Board has reviewed its statutes and regulations and has authorized hospitals to provide an **emergency supply** of the medication to patients presenting to the Emergency Department and receiving a first dose in-person. The remaining supply may be sent home with the patient in the manufacturer's original packaging according to the specific requirements of K.A.R. 68-7-11(d), K.A.R. 68-7-14, and K.A.R. 68-7-15. Please call your inspector with any questions.